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RASH CURTIS & ASSOCIATES
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SANDRA McMILLION, JESSICA ADEKOYA,
11 AND IGNACIO PEREZ, on Behalf of
Themselves and all Others Similarly Situated,

12 Plaintiffs,

13 v.

14 RASH CURTIS & ASSOCIATES,

15 Defendant.
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Case No.: 4:16-cv-03396-YGR JSC

**MASTER LIST OF EXHIBITS IN SUPPORT
OF DEFENDANT RASH CURTIS &
ASSOCIATES' OPPOSITION TO
PLAINTIFFS' MOTION TO APPOINT
KOURTNEY RICHARDSON AS CLASS
REPRESENTATIVE**

Date: January 9, 2018

Time: 2:00 p.m.

Ctrm: 1

Judge: Hon. Yvonne Gonzalez Rogers

Defendant Rash Curtis & Associates hereby submits this Master List of Exhibits in support of its Opposition to Plaintiffs' Motion to Appoint Richardson as Class Representative:

Exhibit	Description
A	Business Record from Dr. James M. Greer, d.b.a. Brentwood Podiatry, which shows the number ending in 9652 was provided by Jagindar Prashad on March 24, 2014.
B	Excerpts from Deposition of Bob Keith, taken on October 24, 2017.
C	Excerpts from Rash Curtis' Privilege Log for Emails Produced Subject to the Court's Stipulated Clawback Agreement and Presumptively-Privileged Protocol Order.

Dated: December 18, 2017

ELLIS LAW GROUP LLP

By: /s/ Mark E. Ellis

Mark E. Ellis

Attorney for Defendant

RASH CURTIS & ASSOCIATES

EXHIBIT A

WELLCOME

PATIENT INFORMATION

Date 3/24/14

SSA/IC/Patient ID # [REDACTED]

Patient Name Prashad Jaginder

First Name Jaginder Last Name Prashad Middle Initial

Address 2441 Elena Ct

City Antioch State CA Zip 94531

E-mail

Sex ☒ M ☐ F Age Birthdate

☒ Married ☐ Widowed ☐ Single ☐ Minor

☐ Separated ☐ Divorced ☐ Partnered for years

Patient Employer/School

Employer/School Address

Employer/School Phone ()

Spouse's Name Chandra Prashad

Birthdate SS#

Spouse's Employer

Whom may we thank for referring you? Dr Humble

PHONE NUMBERS

Home Phone (925) 925-3697

Cell Phone (925) 925-9652

Best time and place to reach you any time

IN CASE OF EMERGENCY, CONTACT

Name Elizabeth Singh

Relationship Daughter

Home Phone () same

Work Phone cell # 925-1106

INSURANCE

Who is responsible for this account? Anthon Blue Cross

Relationship to Patient

Insurance Co.

Group #

Is patient covered by additional insurance? ☐ Yes ☐ No

Subscriber's Name

Birthdate SS#

Relationship to Patient

Insurance Co.

Group #

INSURANCE ASSIGNMENT AND RELEASE

I certify that I have insurance coverage with Name of Insurance Company(ies)

and assign directly to Dr. all insurance benefits, if any, otherwise payable to me for services rendered. I understand that I am financially responsible for all charges whether or not paid by insurance. I authorize the use of my signature on all insurance submissions.

The above-named doctor may use my health care information and may disclose such information to the above-named insurance Company(ies) and their agents for the purpose of obtaining payment for services and determining insurance benefits or the benefits payable for related services. This consent will end when my current treatment plan is completed or one year from the date signed below.

MEDICARE/MEDIGAP AUTHORIZATION

I request that payment of authorized Medicare benefits and, if applicable, Medigap benefits, be made either to me or on my behalf to Name of

Doctor or Clinic for any services furnished to me by that provider.

To the extent permitted by law, I authorize any holder of medical or other information about me to release to the Centers for Medicare and Medicaid Services, my Medigap insurer, and their agents any information needed to determine those benefits or benefits for related services.

Prashad Jaginder
Signature of Beneficiary, Guardian or Personal Representative

Elizabeth Singh
Please print name of Beneficiary, Guardian or Personal Representative

3-24-14 Date

Relationship to Beneficiary

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANDRA MCMILLION, JESSICA
ADEKOYA, and IGNACIO PEREZ,
on Behalf of Themselves and
all Others Similarly Situated,

Plaintiffs,

vs.

No. 4:16-cv-03396-YGR

RASH CURTIS & ASSOCIATES,

Defendant.

VIDEOTAPED DEPOSITION OF ROBERT KEITH
Walnut Creek, California
Tuesday, October 24, 2017
Volume 1

Reported by:
JODI L. BOSETTI
CSR No. 11316, RPR
JOB No. 2730695
PAGES 1 - 31
PAGES 24-28 CONFIDENTIAL

1 that what you're saying?

2 A I was, correct.

3 Q So you're saying that GlobalConnect never --
4 Rash Curtis never put any numbers in phone fields 5
5 through 10 into GlobalConnect? 10:27

6 A To my knowledge, no, we never did.

7 Q You remember you're under oath, correct?

8 A I do.

9 Q Okay. And you're sticking with that answer?

10 A I am. 10:28

11 Q Okay. Why did you think, at that time, that
12 humans put the wrong lines into GlobalConnect?

13 MR. ELLIS: Objection. The document speaks for
14 itself.

15 You can answer. 10:28

16 THE WITNESS: I don't remember the circumstances.
17 It's over a year ago.

18 BY MR. KRIVOSHEY:

19 Q You don't remember what made you think that?

20 A No. 10:28

21 Q Okay. You can put that aside.

22 MR. KRIVOSHEY: I'm going to have the court
23 reporter mark as Exhibit 39 an e-mail dated May 22nd,
24 2017.

25 (Deposition Exhibit 39 marked.) 10:29

Page 20

1 BY MR. KRIVOSHEY:

2 Q Do you have Exhibit 39?

3 A I do.

4 Q What is it?

5 A It's an e-mail. 10:29

6 Q What is the date of this e-mail?

7 A May 22, 2017.

8 Q It's an e-mail thread, rather; is that
9 correct?

10 A Correct. 10:29

11 Q And did you write the e-mails on this thread
12 that have you as a sender?

13 A I did.

14 Q So the last e-mail here --

15 MR. ELLIS: I'm going to object. Do not respond 10:29
16 to anything else on this.

17 MR. KRIVOSHEY: On what basis?

18 MR. ELLIS: On the basis that it's regarding
19 Richardson versus Rash-Curtis. It's attorney-client
20 privilege and attorney work-product privilege. 10:30

21 Do not answer that.

22 BY MR. KRIVOSHEY:

23 Q Do you see any attorneys on this e-mail?

24 MR. ELLIS: You know what, he's not going to
25 answer. And if you want to go to Judge Corley, let's 10:30

1 go right now.

2 MR. KRIVOSHEY: Okay, sure. I will go get him.

3 Let's go off the record, please.

4 (Recess.)

5 THE VIDEOGRAPHER: Back on the record. The time 10:35
6 is 10:35.

7 MR. ELLIS: Off the record, I've talked with
8 Yeremey and we've -- I have agreed that he can ask
9 Mr. Keith questions about this e-mail subject to this
10 being a determination that this is going to be 10:35
11 attorney-client privileged, attorney work-product
12 privilege, and otherwise confidential pursuant to
13 Business and Professions Code section 606(a).

14 And for purposes of this deposition, we have
15 instructed the court reporter that with this series of 10:35
16 questions, we will start where they're set forth as
17 confidential and work product and attorney-client
18 privileged, and then we will instruct the court
19 reporter where that confidentiality ends.

20 Are you agreeable to that? 10:36

21 MR. KRIVOSHEY: I am agreeable to -- yes, I am
22 agreeable. I will just say for the record that
23 plaintiffs do not think that any of this is
24 work-product privileged or confidential or privileged
25 in any way, but we will agree to keep this 10:36

1 confidential for the purposes of this deposition and
2 subject to court determination as to, you know, any
3 privileges that may apply.

4 MR. ELLIS: And just to finish up on that, this
5 is not simply -- I'm not simply asserting the 10:36
6 privilege as to Mr. Keith's testimony about this
7 document, I'm also asserting that Exhibit 39, which is
8 two-page excerpt from a longer e-mail trail in a case,
9 in fact, in which I was representing Rash-Curtis, I'm
10 going to assert privilege and confidentiality as to -- 10:37
11 and work-product protection as to that document also.

12 (Pages 24-28 are marked confidential)

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BY MR. KRIVOSHEY:

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10:38

Page 24

10:39

10:40

Veritext Legal Solutions
866 299-5127

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1 reporter mark as Exhibit 40 an e-mail dated May 22nd,
2 2017. And I'll just preface this, that I will agree
3 to ask questions about this e-mail under the same
4 conditions.

5 (Deposition Exhibit 40 marked.)

10:40

6 BY MR. KRIVOSHEY:

7 Q Do you have Exhibit 39?

8 A I do.

9 Q What is it?

10 MR. ELLIS: Okay. Hold on, I haven't finished

10:41

11 reading it. Don't answer any questions.

12 MR. MR. VALENTI: It's Exhibit 40.

13 MR. KRIVOSHEY: I apologize.

14 MR. ELLIS: Before I do this, let me take a break

15 and speak with my client.

10:41

16 MR. KRIVOSHEY: Okay.

17 THE VIDEOGRAPHER: Going off the record. The

18 time is 10:42.

19 (Recess.)

20 THE VIDEOGRAPHER: Back on the record. The time

10:48

21 is 10:49.

22 MR. ELLIS: Okay. Off the record Yeremey and I

23 have talked about Exhibit 40, which is an e-mail dated

24 May 22nd, 2017, and the subject is "Cell phones in

25 skip fields." And the substance of the e-mail

10:49

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1 directly relates to my communications with Mr. Keith.
2 I think relating -- I'm not sure if it's this case or
3 not. And so this is really, he's passing on
4 internally a communication from me and asking a series
5 of questions about that. 10:49

6 For purposes of this deposition, however,
7 Yeremey, I'll enter into the same stipulation that we
8 just entered into, that by permitting you to ask
9 questions about this e-mail and then questions that
10 may relate to it in some way, I am not waiving, in any 10:50
11 way, shape, or form, attorney-client privilege,
12 attorney work-product privilege or confidentiality
13 under Business and Professions Code 606(a)(e).

14 I will permit you to ask questions and get
15 responses subject, of course, to me raising this 10:50
16 objection again and striking all of this testimony and
17 this exhibit, just like we talked about with the last
18 one, if ultimately I decide to stand on the privilege.

19 Do you stipulate to that?

20 MR. KRIVOSHEY: I will stipulate to that. And, 10:50
21 again, you know, plaintiffs don't believe that this is
22 privileged or -- but for the purposes of this, you
23 know, we'll agree to stipulate, for the time being,
24 and we need to work out a time for how long you have
25 until -- well, we'll talk off the record about that. 10:50

10:51

10:51

10:51

25

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth; that
6 any witnesses in the foregoing proceedings, prior to
7 testifying, were administered an oath; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review of
15 the transcript [] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: November 13, 2017

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23 
24

JODI L. BOSETTI

25 CSR No. 11316, RPR

EXHIBIT C

BATES NO. RCA-	DATE	PRIVILEGE ASSERTED	AUTHOR	RECIPIENT	DESCRIPTION
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
024349- 024354	05/2017	Attorney-Client Not Relevant	Ellis Law Group/ Rash Curtis	Rash Curtis/ Ellis Law Group	Richardson v. Rash Curtis – Emails

DEFENDANT'S PRIVILEGE LOG
CLAWBACK DOCUMENTS
November 14, 2017

32

BATES NO. RCA-	DATE	PRIVILEGE ASSERTED	AUTHOR	RECIPIENT	DESCRIPTION
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
026861- 026867	05/2017	Attorney-Client Not Relevant	Ellis Law Group/ Rash Curtis	Rash Curtis/ Ellis Law Group	Richardson v. Rash Curtis – Emails
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

DEFENDANT'S PRIVILEGE LOG
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**DEFENDANT'S PRIVILEGE LOG
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November 14, 2017**